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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,198	06/20/2003	James A. Haberstroh	14183 (6365/89766)	7564

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EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,198

Applicant(s)

HABERSTROH ET AL.

Examiner

Gloria R Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 8, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 13 is objected to because of the following informalities: claim 13 fails to disclose the claim upon which it is dependent. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the idler feed wheel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 9, 10, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gurak et al. (USPN 5,33,438).

In reference to claims 1, 3, 9, 10, 14, 15, Gurak et al. discloses a feed system for a strapping machine of the type having a strap supply (42, 52) and a strap chute (122), the strapping machine including a strapping head (106) disposed between the strap supply (42, 52)

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and the chute (122), the feed system comprising: a strap path from the strap supply (42, 52) to the strapping head (106); a pair of tensioning wheels (120) disposed along the strap path proximal the strap supply (42, 52); a pair of feed wheels (76) disposed along the strap path proximal the strapping head (106) that rotate in a direction to feed the strap around the chute (122), and a reverse direction to retract the strap material (column 6, lines 40-44); a feed wheel drive (78) operably connected to one of the feed wheels (76), and a tensioning wheel drive operably connected to one of the tensioning wheels (120); and a sensor (144, 110, 111) disposed along the strap path for generating a signal to indicate a movement or a lack of movement of the strap material along the strap path (column 6, lines 40-45; column 8, lines 41-54).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurak et al. (USPN 5,33,438) in view of Lüdtke (USPN 6,032,440).

Regarding claims 4-7, 11, 12, 16 and 17, Gurak et al. discloses a feed system comprising a pair of tensioning wheels (120), but fails to disclose a pair of tensioning wheels wherein one of the wheels of is movable in and out of engagement with the opposite wheel of the pair. Lüdtke teaches a feed system comprising a pair of tensioning wheels (11, 12) wherein one of the tensioning wheels is a driven tensioning wheel (11) and the other tensioning wheel is a pinch

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tensioning wheel (12), and including means (14) for moving the tensioning wheel in and out of engagement with one another for the purpose of activating and deactivating the tensioning wheels. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tensioning wheels of Gurak et al. to the movable tensioning wheels of Lüdtke for the purpose of providing tensioning wheels that are adjustable from a position of engagement with the strap material and a position of disengagement (Lüdtke –column 3, lines 2-14).

8. Claims 2, 4-7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurak et al. (USPN 5,33,438) in view of Koyama (USPN 5,379,576).

With respect to claims 2, 4-7, 11, 12, 16 and 17, Gurak et al. discloses a feed system comprising a pair of feed wheels (76) a pair of tensioning wheels (120), but fails to disclose the pair of feed wheels and the pair of tensioning wheels movable in and out of engagement with the opposite wheel of the pair. Koyama discloses a feed system comprising a pair of feed wheels (20, 21) wherein one of the feed wheels is a driven feed wheel (20) and the other feed wheel is a pinch feed wheel (21); a pair of tensioning wheels (10, 13) wherein one of the tensioning wheels is a driven feed wheel (10) and the other tensioning wheel is a pinch tensioning wheel (13), and including means (90) for moving the tensioning wheel in and out of engagement with one another for the purpose of activating and deactivating the tensioning wheels

Allowable Subject Matter

9. Claims 8, 13 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 7:30 am - 6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


grw
April 15, 2004

Gloria R Weeks
Examiner
Art Unit 3721


Stephen F. Gerrity
Primary Examiner